

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA)	
)	Criminal Case No. 1:12-cr-00332
v.)	
)	Honorable Liam O’Grady
GENIS JHESSON AMAYA-PENA,)	
also known as “Jenis Yexon Amaya-Pena,”)	
“Flaco,” and “Juanchope,”)	
)	
Defendant.)	

**SUPPLEMENT TO POSITION OF THE UNITED STATES
WITH RESPECT TO SENTENCING**

The United States of America, through its attorneys, Neil H. MacBride, United States Attorney, and Sean P. Tonolli, Assistant United States Attorney, respectfully submits this supplement to its previously filed position with respect to sentencing. The government met with the defendant on November 26, 2012, for a second safety valve debrief. It is now the government’s position that he has satisfied all the requirements of the safety valve. Accordingly, the government agrees with the calculation in the PSR that the revised offense level is 27 and the advisory guidelines range is 70 to 87 months. The United States respectfully submits that a sentence of 70 months is reasonable and appropriately accounts for each of the factors set forth in 18 U.S.C. § 3553(a).

Respectfully submitted,

NEIL H. MACBRIDE
United States Attorney

/s/ SEAN P. TONOLLI
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of November, 2012, I provided an electronic copy of the foregoing pleading to the United States Probation Officer and filed electronically the same using the CM/ECF system, which will send a notification of such filing (NEF) to the following defense counsel of record:

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